

PL Sum. J.

Ex. 044

W.K.

vs.

RED ROOF INNS, INC., FMW RRI NC, LLC, RED ROOF FRANCHISING, LLC, RRI WE

Deposition of:

Tom Mcelroy

July 06, 2022

Vol 01

PHIPPS REPORTING

Raising the Bar!

Tom Mcelroy
July 06, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

W.K., E.H., M.M., R.P., M.B.,
D.P., A.F., C.A., R.K., K.P.,
and T.H.,

Plaintiffs,

vs.

NO. 1:20-cv-5263-MHC

RED ROOF INNS, INC., FMW RRI NC,
LLC, RED ROOF FRANCHISING, LLC,
RRI WEST MANAGEMENT, LLC,
VARAHI HOTEL, LLC, WESTMONT
HOSPITALITY GROUP, INC., and
RRI III, LLC,

Defendants.

JANE DOE 1 - 4,

Plaintiffs,

vs.

NO. 1:21-cv-04278-WMR

RED ROOF INNS, INC., et al.

Defendants.

VIDEO-RECORDED DEPOSITION OF
TOM MCELROY

Volume 1 - Pages 1 thru 155

Wednesday, July 6, 2022

9:07 a.m. - 12:49 p.m.

Hilton Garden Inn Panama City Airport
5625 Venture Crossings Boulevard
Panama City, Florida 32409

STENOGRAPHICALLY REPORTED BY:
MICHELLE SMITH, RDR, FPR, LCR, CCR, CLR, CLVS, CDVS

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1 APPEARANCES:

2

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4 ON BEHALF OF THE PLAINTIFFS WK, EH, MM, RP, MB, DP,
AF, CA, RK, KP, TH, JANE DOES 1-4:

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12 ON BEHALF OF THE PLAINTIFF J.A.:

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25

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1 ON BEHALF OF THE DEFENDANTS RED ROOF INNS, INC.;
2 FMW RRI NC, LLC; RED ROOF FRANCHISING, LLC; RRI WEST
3 MANAGEMENT, LLC; WESTMONT HOSPITALITY GROUP, INC.,
4 AND RRI III, LLC:

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22 C. Shane Keith, Esq.
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24 Also present:
25 Nicholas Kramer, Legal Videographer
26 Nick Kolitsos, Esq.
27 Beth Richardson

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1 just said this, when did you begin working for
2 Red Roof Inns?

3 A. December of 2012.

4 Q. Thank you. And you were the director of
5 safety and security?

6 A. Yes, sir.

7 Q. And how long were you in that role?

8 A. For that period of time from December of
9 2012 through December of 2013.

10 Q. Where were you physically located while
11 you were in that role?

12 A. I worked remote the majority of the time
13 from my home or from the road at various motels.
14 I would go to Red Roof Inns in Columbus, Ohio
15 monthly.

16 Q. And is that where they were -- the
17 headquarters was?

18 A. That's correct.

19 Q. During your time as director of safety
20 and security for Red Roof Inns, was there anyone else
21 that worked in that department?

22 A. No, sir.

23 Q. Who did you report to in that role?

24 A. Initially my direct report was
25 Danielle Willis, who was the vice president of human

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1 **locations?**

2 A. I was.

3 Q. Did that occur at multiple locations?

4 A. It did.

5 Q. Based on your observations in visiting
6 Red Roof locations, did you believe prostitution was
7 widespread across Red Roof Inn hotels?

8 MR. ALLUSHI: Objection.

9 A. It was problematic. Whether it was
10 systemic or not, I don't know because we -- again, I
11 used the location comparison of Druid Hills and
12 Michigan City, Indiana, small little sleepy town
13 located on Lake Michigan, did they have problems,
14 yes, but was it related to prostitution, I don't
15 know, where it was evident in places like Druid Hills
16 or Mobile, Alabama or Houston, Texas or Seattle
17 Sea-Tac Airport, those, you saw it there, you knew
18 what it was.

19 BY MR. VARGHESE:

20 Q. Would you say you visited multiple
21 Red Roof locations where you thought prostitution was
22 prevalent?

23 A. Yes.

24 Q. Are there particular signs that a hotel
25 manager or employee could look for, that you looked

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1 **for that might indicate prostitution was taking**
2 **place?**

3 A. Sure, yes.

4 **Q. And what are those signs?**

5 A. You know, it was checking in, paying by
6 cash, you would see one man and multiple females,
7 they would request rooms on the opposite end from the
8 front desk of the motel. They would like to have
9 first-level rooms where the access, they didn't have
10 to go up the stairs or corridors or ride an elevator,
11 those types of things, easy in, easy out.

12 **Q. Are those also potential signs of sex**
13 **trafficking taking place?**

14 MR. ALLUSHI: Objection.

15 A. It's a multitude of crimes. Could be
16 narcotics trafficking, could be sex trafficking, it
17 could be fencing operations. You just, you know,
18 when you see people standing outside of a guest room
19 for lengthy periods of time, other people coming and
20 going, you know something illegal is taking place
21 there. What it was, it's anybody's guess.

22 BY MR. VARGHESE:

23 **Q. When signs of prostitution are present,**
24 **could that indicate that sex trafficking is also**
25 **taking place?**

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1 MR. KEITH: Objection.

2 MR. ALLUSHI: Same.

3 A. Sure. I mean that's -- I mean, so what's
4 the definition of sex trafficking, what's the
5 definition of prostitution, is it forced, is it
6 voluntary, is -- you know, I mean it's -- it wasn't
7 me for to determine if it was sex trafficking or
8 if it was prostitution, it wasn't -- wasn't my
9 position.

10 BY MR. VARGHESE:

11 Q. I'm going to show you what we'll mark as
12 Plaintiff's Exhibit 316.

13 (Exhibit Number 316 was marked for
14 identification.)

15 BY MR. VARGHESE:

16 Q. Please review the document and just let
17 me know when you're ready to discuss it.

18 MR. KEITH: What was the number?

19 MR. VARGHESE: Sixteen.

20 MR. KEITH: Sixteen?

21 MR. VARGHESE: Uh-huh.

22 A. Yes, sir.

23 BY MR. VARGHESE:

24 Q. I would like to start with the e-mail at
25 the bottom of the first page in Exhibit 316, is this

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1 Q. You mentioned earlier that you recall two
2 specific responses, and you described one, can you
3 describe the other?

4 A. Sure, the other was on one of my visits
5 to Columbus I stayed at the Red Roof Inn Columbus
6 East, the general manager made the statement to
7 me, "Tom, you're the only corporate guy who has ever
8 stayed at my hotel." Why --

9 MR. ALLUSHI: Objection.

10 A. -- is that, because of the crime and the
11 issues going on around here.

12 BY MR. VARGHESE:

13 Q. You testified to this earlier, but in
14 loss prevention while you were at Hilton, there were
15 multiple individuals; is that right?

16 A. Yes, sir.

17 Q. And at Red Roof you were a one-man show?

18 A. That's correct.

19 Q. What was your budget as safety and
20 security director at Red Roof?

21 A. I had none, no budget. All of my travel
22 for instance, was billed back to the individual hotel
23 or end code, was part of their travel expense report
24 procedure.

25 Q. Are you familiar with what some Red Roof

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1 responsible for your lost belongings.

2 My argument is, you can't put a value on the
3 reputation of the operation. If somebody is parking
4 their vehicle and their vehicle is broken into and
5 they lose their tools or their luggage or whatever
6 the case may be, even though you're not going to
7 write them a check to replace that stuff, you still
8 have the reputation issue.

9 BY MR. VARGHESE:

10 Q. Based on your experience, do you believe
11 that Red Roof Inns prioritized revenue over safety
12 and security?

13 MR. ALLUSHI: Objection.

14 A. Yes.

15 BY MR. VARGHESE:

16 Q. From your experience in interacting with
17 Mr. Moyer, do you believe he prioritized revenue over
18 safety and security?

19 MR. ALLUSHI: Objection.

20 A. Yes.

21 BY MR. VARGHESE:

22 Q. Mr. McElroy, why did you leave Red Roof
23 Inns in 2013?

24 MR. ALLUSHI: Objection.

25 A. I was asked to leave.

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1 in one of these documents that I visited 90 hotels,
2 so.

3 Q. Do you remember when in December of 2012
4 you took the position with Red Roof?

5 A. When?

6 Q. The date?

7 A. Early on, yeah, I'm going to refer to one
8 of these documents it said December 3rd, I think.

9 Q. Okay.

10 A. So.

11 Q. I will just tell you that Varahi is the
12 franchisee that now owns the Smyrna Red Roof.

13 A. Now owns it.

14 Q. Now owns it.

15 A. Yes, sir.

16 Q. They bought it on December 12th of
17 2012.

18 A. Okay.

19 Q. Given that you believe that you started
20 maybe December 3rd, and so December 12th being the
21 cut-off date, do you think that it's likely that you
22 visited?

23 A. No, it's not likely, no.

24 Q. And as you said, you had no oversight
25 over franchise -- franchise operations; correct?

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1 A. That's correct.

2 Q. So any reporting that you did would have
3 been on the company owned side; correct?

4 A. Correct.

5 Q. Anybody you reported to would have been
6 on the company owned side?

7 A. That's correct.

8 Q. Any recommendations that you made would
9 have been on the company owned side?

10 A. That's correct.

11 Q. With regard to the franchise operations,
12 do you know anything about what was mandated top down
13 for them for any type of prostitution prevention
14 issues?

15 A. No, sir.

16 Q. Okay. I think that you said that the --
17 ultimately the responsibility falls to the police to
18 determine if it's prostitution or sex trafficking; is
19 that right?

20 A. The police or the prosecutors, yes, sir.

21 Q. Law enforcement?

22 A. Law enforcement.

23 Q. Do you believe that there is anything
24 that equips a front desk worker at a hotel to make
25 that determination?

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CERTIFICATE OF OATH

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STATE OF FLORIDA)
COUNTY OF BAY)

I, Michelle Smith, Notary Public for
the State of Florida, do hereby certify that
TOM MCELROY personally appeared before me on
July 6, 2022 and was duly sworn.

Witness my hand and seal this 11th day of
July, 2022.

Witness provided driver's license for
identification.

Michelle Smith

Michelle Smith, RDR, FPR, LCR, CCR, CLR, CLVS, CDVS
Notary Public, State of Florida
My Commission No. HH 176065
Expires: 09/16/25

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1 CERTIFICATE OF REPORTER

2 STATE OF FLORIDA)

3 COUNTY OF BAY)

4 I, R. Michelle Smith, Florida Professional
5 Reporter, Registered Diplomate Reporter, do
6 hereby certify that I was authorized to and did
7 stenographically report the video-recorded
8 deposition of TOM MCELROY; that a review of the
9 transcript was requested; and that the foregoing
10 pages, 1 through 152, are a true and complete record
11 of my stenographic notes.

12 I FURTHER CERTIFY that I am not a
13 relative, employee, or attorney, or counsel of any
14 of the parties, nor am I a relative or employee of
15 any of the parties' attorney or counsel connected
16 with the action, nor am I financially interested
17 in the action.

18 DATED this 9TH day of July 2022, at
19 Panama City, Bay County, Florida.

20

21

22

23 *Michelle Smith*
24 Michelle Smith, RDR, FPR, LCR, CCR, CLR, CLVS, CDVS

25 Please attach to the July 6, 2022 deposition of
TOM MCELROY in the case of W.K. vs. Red Roof Inns,